

# EXHIBIT 1

**In The Matter Of:**

*HYMES VS.*

*BLISS*

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*EUGENE JONES*

*August 8, 2018*

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*CLARK REPORTING & VIDEO CONFERENCING*

*2140 SHATTUCK AVE. STE. 407*

*BERKELEY, CA 94704*

*WWW.CLARKDEPOS.COM*

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

3

SAN FRANCISCO DIVISION

4

SCANVINSKI JEROME HYMES, )

5

Plaintiff, )

6

v. )

No. 3:16-cv-04288-JSC

7

MILTON BLISS, VICTOR M. )

8

SANCHEZ, JOSEPH A. )

9

LEONARDINI, SCOTT NEU, )

10

EUGENE A. JONES, )

11

PAUL TIMPANO, PIERRE A. )

12

GRAY, )

13

)

14

Defendants. )

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DEPOSITION OF EUGENE JONES

18

Wednesday, August 8, 2018

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CLARK REPORTING & VIDEO CONFERENCING

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EUGENE JONES

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**EUGENE JONES**

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1 constitutional and statutory privileges from time to  
2 time, and I will be advising him accordingly. Thank  
3 you.

4 BY MR. KATON:

5 Q. Just so the record is clear, are you refusing  
6 to answer the question of whether you were a sheriff's  
7 deputy on July 24th, 2014?

8 MR. PAVONE: Yes.

9 THE WITNESS: Yes.

10 MR. PAVONE: I'm instructing the witness not  
11 to answer that question.

12 BY MR. KATON:

13 Q. Do you recall an incident involving Scanvinski  
14 Jerome Hymes on July 24th, 2014?

15 MR. PAVONE: Objection. Violates  
16 constitutional privilege. Instruct the witness not to  
17 answer.

18 You should read the invocation that I provided  
19 to you, Deputy Jones.

20 Deputy Jones?

21 THE WITNESS: Yes, sir.

22 MR. PAVONE: Read the invocation that I  
23 provided to you so we can make a proper record.

24 THE WITNESS: "I respectfully decline to  
25 answer that question based upon my rights against

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1 self-incrimination under the United States and  
2 California Constitutions and the California Evidence  
3 Code."

4 MR. KATON: If your counsel does not object,  
5 we can refer to that invocation so that the witness  
6 doesn't have to recite it in full.

7 MR. PAVONE: Fine. I appreciate that and I  
8 accept that offer. Thank you.

9 BY MR. KATON:

10 Q. Have you ever met Scanvinski Jerome Hymes  
11 before?

12 MR. PAVONE: Go ahead.

13 THE WITNESS: Yes.

14 BY MR. KATON:

15 Q. Had you ever met him prior to July 24th, 2014?

16 A. No.

17 Q. What were -- well, did you meet him on July  
18 24th, 2014?

19 MR. PAVONE: Instruct the witness not to  
20 answer based on his constitutional rights.

21 BY MR. KATON:

22 Q. Are you going to invoke the privilege that you  
23 recited earlier?

24 A. Yes, sir.

25 Q. Were you part of -- well, let me withdraw

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1 that.

2 Do you know what a S.O.R.T. team is?

3 A. Yes.

4 Q. What is a S.O.R.T. team?

5 A. S.O.R.T. team is a group of individuals put  
6 together to remove someone from a cell or their housing  
7 location.

8 Q. And were you part of a S.O.R.T. team on  
9 July 24th, 2014?

10 MR. PAVONE: Instruct the witness not to  
11 answer based on his constitutional privilege.

12 BY MR. KATON:

13 Q. Are you going to invoke the privilege that you  
14 recited earlier?

15 A. Yes.

16 Q. Are you aware of whether any sheriff's  
17 deputies removed Mr. Hymes from his cell on July 24th,  
18 2014?

19 MR. PAVONE: Instruct the witness not to  
20 answer based on his constitutional privileges.

21 BY MR. KATON:

22 Q. Are you going to invoke the privilege that you  
23 recited earlier?

24 A. Yes.

25 Q. Do you know of any deputies who were involved

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1 in removing Mr. Hymes from his cell on July 24th, 2014?

2 MR. PAVONE: Instruct the witness not to  
3 answer based on his constitutional privileges.

4 BY MR. KATON:

5 Q. Are you going to invoke the --

6 A. Yes.

7 Q. -- privilege that you recited earlier?

8 A. Yes.

9 Q. So now, I want to be clear that I'm not asking  
10 anything about you or whether you were involved in  
11 removing Mr. Hymes from his cell. I'm asking if you are  
12 aware of whether any other deputies were involved in  
13 removing Mr. Hymes from his cell on July 24th, 2014.

14 MR. PAVONE: Instruct the witness not to  
15 answer.

16 Deputy, to facilitate things, when I say that,  
17 you can then give the response that "I invoke my  
18 privilege . . ."

19 THE WITNESS: Okay.

20 MR. PAVONE: Just to speed it along. I'm  
21 instructing the witness not to answer that question.

22 THE WITNESS: I invoke -- or, yes. I don't  
23 know what to say.

24 BY MR. KATON:

25 Q. If you intend to invoke the privilege that you

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1 recited earlier, you can just say "I am invoking the  
2 privilege that I recited earlier."

3 A. Okay.

4 Q. And that's what you're doing?

5 A. Yes.

6 Q. So did you ever -- well, let me withdraw that.

7 Did you ever observe Scanvinski Jerome Hymes  
8 after July 24th, 2014?

9 MR. PAVONE: Instruct the witness not to  
10 answer.

11 BY MR. KATON:

12 Q. And are you going to invoke the privilege that  
13 you recited earlier?

14 A. Yes.

15 Q. Did you give any commands to Scanvinski Jerome  
16 Hymes on July 24th, 2014?

17 MR. PAVONE: Instruct the witness not to  
18 answer. Same grounds.

19 BY MR. KATON:

20 Q. And are you --

21 A. Yes.

22 Q. Just so the record is clear, are you invoking  
23 the privilege that you recited earlier?

24 A. Yes, sir.

25 MR. PAVONE: And for the record, all of my

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1 instructions not to answer are based on his  
2 constitutional rights unless otherwise indicated.

3 BY MR. KATON:

4 Q. Did you use any force on Mr. Hymes on  
5 July 24th, 2014?

6 MR. PAVONE: Instruct the witness not to  
7 answer. Same grounds.

8 BY MR. KATON:

9 Q. And, Mr. Jones, are you going to invoke the  
10 privilege that you recited earlier?

11 A. Yes, sir.

12 Q. Did you observe any other sheriff's deputies  
13 using force on Mr. Hymes on July 24th, 2014?

14 MR. PAVONE: Instruct the witness not to  
15 answer. Same grounds.

16 BY MR. KATON:

17 Q. And are you going to invoke the privilege you  
18 recited earlier?

19 A. Yes, sir.

20 Q. Do you recall if you prepared an incident  
21 report in connection with Scanvinski Jerome Hymes  
22 relating to an incident on July 24th, 2014?

23 MR. PAVONE: Instruct the witness not to  
24 answer. Same grounds.

25 BY MR. KATON:

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1 Q. And are you going to invoke the privilege you  
2 recited earlier?

3 A. Yes.

4 Q. Did you observe Mr. Hymes hit his head on a  
5 toilet on July 24th, 2014?

6 MR. PAVONE: Instruct the witness not to  
7 answer. Same grounds.

8 BY MR. KATON:

9 Q. And are you going to invoke the privilege you  
10 recited earlier?

11 A. Yes, sir.

12 Q. Do you know whether Mr. Hymes sustained any  
13 injuries in connection with being removed from his cell  
14 on July 24th, 2014?

15 MR. PAVONE: Instruct the witness not to  
16 answer. Same grounds.

17 BY MR. KATON:

18 Q. And are you going to invoke the privilege that  
19 you recited earlier?

20 A. Yes.

21 Q. Do you know how Mr. Hymes might have sustained  
22 any injuries on July 24th, 2014?

23 MR. PAVONE: Objection. Instruct the witness  
24 not to answer. Same grounds.

25 BY MR. KATON:

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1 Q. Are you going to invoke the privilege that you  
2 recited earlier?

3 A. Yes.

4 Q. Did you observe any sheriff's deputies kick  
5 Mr. Hymes on July 24th, 2014?

6 MR. PAVONE: Instruct the witness not to  
7 answer. Same grounds.

8 BY MR. KATON:

9 Q. And are you going to invoke the privilege that  
10 you recited earlier?

11 A. Yes, sir.

12 Q. Did you observe any sheriff's deputies punch  
13 Mr. Hymes on July 24th, 2014?

14 MR. PAVONE: Instruct the witness not to  
15 answer.

16 THE WITNESS: Yes, sir.

17 MR. PAVONE: Well --

18 THE WITNESS: I respectfully decline to answer  
19 that question.

20 BY MR. KATON:

21 Q. Yes, you meant you're following your  
22 attorney's instruction not to answer?

23 A. Yes, correct.

24 Q. So just try -- I know you know what I am  
25 saying, but just let me finish before you start to

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1 answer so the record is clear.

2 A. Yes, sir. Sorry about that.

3 Q. No problem.

4 Do you know any reason why Mr. Hymes may have  
5 been removed from his cell on July 24th, 2014?

6 MR. PAVONE: Instruct the witness not to  
7 answer. Same grounds.

8 BY MR. KATON:

9 Q. And are you going to invoke the privilege that  
10 you recited earlier?

11 A. Yes, sir.

12 Q. I may have asked a similar question when we  
13 first started this morning, but just -- I would like to  
14 make sure that I asked you this.

15 Were you working as a sheriff's deputy for the  
16 City and County of San Francisco on July 24th, 2014?

17 MR. PAVONE: Instruct the witness not to  
18 answer. Same grounds.

19 BY MR. KATON:

20 Q. And are you going to invoke the privilege that  
21 you recited earlier?

22 A. Yes, sir.

23 Q. Do you know if Sergeant Bliss assembled a  
24 S.O.R.T. team to remove Mr. Hymes from his cell on  
25 July 24th, 2014?

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1 MR. PAVONE: Instruct the witness not to  
2 answer. Same grounds.

3 BY MR. KATON:

4 Q. And are you going to invoke the privilege you  
5 recited earlier?

6 A. Yes.

7 Q. Did you observe Mr. Hymes resisting any  
8 deputies on July 24th, 2014?

9 MR. PAVONE: Instruct the witness not to  
10 answer. Same grounds.

11 BY MR. KATON:

12 Q. And are you going to invoke the privilege that  
13 you recited earlier?

14 A. Yes.

15 Q. I will get the court reporter to mark the  
16 first exhibit, please.

17 (Whereupon Plaintiff's Exhibit 1 was marked  
18 for identification by the court reporter.)

19 BY MR. KATON:

20 Q. And if you could look at Exhibit 1 and tell me  
21 if you recognize this document.

22 MR. PAVONE: Go ahead. You can answer that  
23 question.

24 THE WITNESS: Yes.

25 BY MR. KATON:

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1 Q. And what is this document?

2 A. The title is "S.O.R.T. Cell Extraction."

3 Q. And you've seen this document before?

4 A. Yes.

5 Q. And were you familiar with this document as of  
6 July 24th, 2014?

7 MR. PAVONE: Instruct the witness not to  
8 answer. Same grounds.

9 BY MR. KATON:

10 Q. And are you going to invoke the privilege that  
11 you recited earlier?

12 A. Yes.

13 Q. I'll ask the court reporter to mark 2, please.

14 (Whereupon Plaintiff's Exhibit 2 was marked  
15 for identification by the court reporter.)

16 BY MR. KATON:

17 Q. And if you could tell me -- take a minute to  
18 review it and let me know if you are familiar with the  
19 document that is Exhibit 2?

20 A. Yes, sir.

21 Q. You are familiar with it?

22 A. Yes, sir.

23 Q. And what is that?

24 A. The use of force policy.

25 Q. And you've seen this before today?

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1 A. Yes.

2 Q. And were you familiar with this document as of  
3 July 24th, 2014?

4 MR. PAVONE: Instruct the witness not to  
5 answer. Same grounds.

6 BY MR. KATON:

7 Q. And are you going to invoke the privilege that  
8 you recited earlier?

9 A. Yes.

10 Q. I will ask the court reporter to mark 3,  
11 please.

12 (Whereupon Plaintiff's Exhibit 3 was marked  
13 for identification by the court reporter.)

14 BY MR. KATON:

15 Q. If you could take a moment to look at what's  
16 marked as Exhibit 3, and let me know if you know what  
17 that is.

18 A. Yes, sir.

19 Q. What is that?

20 A. That's the incident report policy.

21 Q. And were you familiar with this document  
22 before today?

23 A. Yes.

24 Q. And were you familiar with this document as of  
25 July 24th, 2014?

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1 MR. PAVONE: Instruct the witness not to  
2 answer. Same grounds.

3 BY MR. KATON:

4 Q. And are you going to invoke the privilege that  
5 you recited earlier?

6 A. Yes.

7 Q. Did you observe Sergeant Bliss using any force  
8 against Mr. Hymes on July 24th, 2014?

9 MR. PAVONE: Instruct the witness not to  
10 answer.

11 BY MR. KATON:

12 Q. Are you going to invoke the privilege you  
13 recited earlier?

14 A. Yes.

15 Q. Did you observe Deputy Timpano using any force  
16 against Mr. Hymes on July 24th, 2014?

17 MR. PAVONE: Instruct the witness not to  
18 answer.

19 BY MR. KATON:

20 Q. Are you going to invoke the privilege you  
21 recited earlier?

22 A. Yes.

23 Q. Did you observe Deputy Neu use any force  
24 against Mr. Hymes on July 24th, 2014?

25 MR. PAVONE: Instruct the witness not to

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22

1 answer.

2 BY MR. KATON:

3 Q. Are you going to invoke the privilege you  
4 recited earlier?

5 A. Yes.

6 Q. If I refer to "the incident," will you  
7 understand that I'm referring to the circumstances  
8 surrounding the removal of Mr. Hymes from his cell on  
9 July 24th, 2014?

10 MR. PAVONE: You can answer that question.

11 THE WITNESS: Yes.

12 BY MR. KATON:

13 Q. Did you observe Deputy Ysip, Y-s-i-p, use any  
14 force against Mr. Hymes on the day of the incident?

15 MR. PAVONE: Instruct the witness not to  
16 answer.

17 BY MR. KATON:

18 Q. Are you going to invoke the privilege you  
19 recited earlier?

20 A. Yes.

21 Q. Did you observe Deputy Sanchez use any force  
22 against Mr. Hymes on the day of the incident?

23 MR. PAVONE: Instruct the witness not to  
24 answer.

25 BY MR. KATON:

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1 Q. Are you going to invoke the privilege that you  
2 recited earlier?

3 A. Yes.

4 Q. Did you observe Deputy Gray use any force  
5 against Mr. Hymes on the day of the incident?

6 MR. PAVONE: Instruct the witness not to  
7 answer.

8 BY MR. KATON:

9 Q. Are you going to invoke the privilege you  
10 recited earlier?

11 A. Yes.

12 Q. Did you observe Deputy Leonardini use any  
13 force against Mr. Hymes on the day of the incident?

14 MR. PAVONE: Instruct the witness not to  
15 answer.

16 BY MR. KATON:

17 Q. And are you going to invoke the privilege you  
18 recited earlier?

19 A. Yes.

20 Q. And are you aware that on July 24th, 2014, it  
21 was not your job to punish Mr. Hymes?

22 MR. PAVONE: Instruct the witness not to  
23 answer.

24 BY MR. KATON:

25 Q. Are you going to invoke the privilege you

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1 recited earlier?

2 A. Yes, sir.

3 Q. And if you could just take a look at  
4 Exhibit 1, if you see on the top of page 2, there's  
5 paragraph C, which says, "When possible, employees shall  
6 utilize verbal techniques to encourage voluntary  
7 compliance from the prisoner."

8 Were you aware of that guidance as of  
9 July 24th, 2014?

10 MR. PAVONE: Instruct the witness not to  
11 answer.

12 BY MR. KATON:

13 Q. Are you going to invoke the privilege you  
14 recited earlier?

15 A. Yes, sir.

16 Q. In your experience and training, are sheriff's  
17 deputies allowed to retaliate against prisoners who are  
18 being verbally abusive?

19 MR. PAVONE: Instruct the witness not to  
20 answer.

21 BY MR. KATON:

22 Q. Are you going to invoke the privilege you  
23 recited earlier?

24 A. Yes.

25 Q. In your training, are sheriff's deputies

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1 BY MR. KATON:

2 Q. Is there a part of that question that you  
3 didn't understand that I can clarify?

4 A. No. I understand now, sir.

5 Q. Okay. What is your answer to that question  
6 subject to Mr. Matheson's objection?

7 THE WITNESS: Does that mean I answer?

8 MR. PAVONE: You can answer.

9 THE WITNESS: No.

10 BY MR. KATON:

11 Q. Do you agree that sheriff's deputies may only  
12 use the force that a reasonable officer would use in  
13 similar circumstances?

14 MR. MATHESON: Same objection. Calls for a  
15 legal conclusions.

16 MR. PAVONE: And instruct not to answer on  
17 constitutional privilege grounds.

18 BY MR. KATON:

19 Q. Are you going to refuse to answer and invoke  
20 the privilege that you recited earlier?

21 A. Yes.

22 Q. Do you agree that a sheriff's deputy  
23 witnessing another deputy using excessive force is  
24 obligated to intervene to stop that from happening?

25 MR. PAVONE: Instruct the witness not to

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1 answer based on constitutional privilege.

2 MR. MATHESON: Same objections.

3 BY MR. KATON:

4 Q. Are you going to decline to answer based upon  
5 the privileges that you recited earlier?

6 A. Yes. Excuse me, yes.

7 Q. Are you aware of a policy in the San Francisco  
8 jail that prohibits prisoners from using vulgar  
9 language?

10 MR. PAVONE: You can answer.

11 THE WITNESS: Can you repeat the question,  
12 sir?

13 BY MR. KATON:

14 Q. Sure.

15 Are you aware of a policy in the San Francisco  
16 jail that prohibits prisoners from using vulgar  
17 language?

18 A. No.

19 Q. Would you agree that sheriff's deputies who do  
20 use excessive force against prisoners should be  
21 accountable for their conduct?

22 MR. MATHESON: Instruct the witness not to  
23 answer.

24 BY MR. KATON:

25 Q. Are you going to refuse to answer based upon

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1 privilege that you recited earlier?

2 A. Yes, sir.

3 Q. Do you agree that when dealing with a prisoner  
4 who is not following commands of deputies that sheriff's  
5 deputies should try to use deescalation before using  
6 force when feasible?

7 MR. PAVONE: Instruct the witness not to  
8 answer.

9 BY MR. KATON:

10 Q. Are you going to decline to answer based upon  
11 the privileges that you recited earlier?

12 A. Yes, sir.

13 Q. Do you agree that sheriff's deputies should  
14 give prisoners a warning before using force to give them  
15 the opportunity to comply before the force is used when  
16 that's feasible?

17 MR. PAVONE: Instruct the witness not to  
18 answer.

19 BY MR. KATON:

20 Q. Are you going to decline to answer based upon  
21 the privileges that you recited earlier?

22 A. Yes.

23 Q. Mr. Jones, are you currently employed?

24 MR. PAVONE: You can answer.

25 THE WITNESS: Yes.

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1 Q. And you did not discuss the incident with any  
2 of your fellow deputies at the San Francisco Sheriff's  
3 Department?

4 A. No.

5 Q. In preparation for this deposition, did you  
6 review any incident report?

7 A. Not that I recall, but I'm not sure.

8 Q. Did you review any witness statements in  
9 preparation for this deposition?

10 A. No.

11 Q. Did you review any memoranda in preparing for  
12 this deposition?

13 MR. MATHESON: Objection to the extent the  
14 question is seeking information protected by the  
15 attorney-client privilege.

16 MR. KATON: So I will rephrase that.

17 Q. Did you review any memoranda in preparation  
18 for this deposition other than any that may have been  
19 provided to you by your attorneys or prepared by your  
20 attorney?

21 A. No.

22 Q. And have you been investigated by the  
23 San Francisco Sheriff's Department for use of force in  
24 the past?

25 MR. PAVONE: Instruct the witness not to

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1 answer. Same grounds.

2 BY MR. KATON:

3 Q. And are you going to decline to answer based  
4 upon the privileges that you recited earlier?

5 A. Yes.

6 MS. ROSENBLIT: In addition, we would like to  
7 object that the question calls for information protected  
8 by the deponent's right to privacy and the official  
9 information privilege.

10 BY MR. KATON:

11 Q. Have you ever been disciplined by the  
12 San Francisco Sheriff's Department for use of force  
13 before?

14 MR. PAVONE: Instruct the witness not to  
15 answer.

16 MR. MATHESON: Same objections.

17 BY MR. KATON:

18 Q. Are you going to decline to answer based upon  
19 the privileges that you recited earlier?

20 A. Yes.

21 Q. Have you been disciplined for any reason by  
22 the San Francisco Sheriff's Department relating to the  
23 treatment of prisoners?

24 MR. PAVONE: Instruct the witness not to  
25 answer.

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1 MR. MATHESON: Same objections.

2 BY MR. KATON:

3 Q. Are you going to decline not to answer based  
4 upon the privileges that you recited earlier?

5 A. Yes.

6 Q. Have you ever been disciplined for your  
7 conduct in S.O.R.T. operations?

8 MR. PAVONE: Instruct the witness not to  
9 answer.

10 MR. MATHESON: Same objection.

11 BY MR. KATON:

12 Q. Are you going to decline to answer based upon  
13 the privileges that you recited earlier?

14 A. Yes.

15 Q. Have you been disciplined before for failing  
16 to prepare incident reports as required?

17 MR. PAVONE: Instruct the witness not to  
18 answer.

19 MR. MATHESON: Same objections.

20 BY MR. KATON:

21 Q. Are you going to decline not to answer based  
22 upon the privileges you recited earlier?

23 A. Yes.

24 Q. Have you been a party to a civil lawsuit apart  
25 from the one that we are here about today?

EUGENE JONES

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1 C-o-l-v-i-n, that you're aware of?

2 A. No, sir.

3 Q. And have you ever been convicted of a crime?

4 A. No, sir.

5 Q. And are you currently facing criminal charges?

6 A. Yes, sir.

7 Q. And have you faced criminal charges other than  
8 those that you're currently facing?

9 A. No, sir.

10 MR. KATON: I don't think I have too much  
11 more. Can we take a quick break?

12 MR. MATHESON: Sure.

13 THE VIDEOGRAPHER: Going off the record. The  
14 time is 10:44 a.m.

15 (Whereupon recess was taken from 10:44 to  
16 10:52.)

17 THE VIDEOGRAPHER: We are back on the record.  
18 The time is 10:52 a.m.

19 BY MR. KATON:

20 Q. Are you okay to continue, Deputy Jones?

21 A. Yes, sir.

22 Q. When you were referring to working earlier  
23 today, what are your current duties, if you can  
24 summarize them, as far as your responsibilities as a  
25 sheriff's deputy?

EUGENE JONES

CLARK REPORTING & VIDEO CONFERENCING

1 STATE OF CALIFORNIA )

2 COUNTY OF ALAMEDA )

3 I, Shelli G. Eng, Certified Shorthand Reporter,  
4 No. 11397, State of California, do hereby certify:

5 That prior to being examined, the witness named  
6 in the foregoing deposition, to wit, EUGENE JONES, was by  
7 me duly affirmed to testify the truth, the whole truth  
8 and nothing but the truth; that said deposition was taken  
9 down by me in shorthand at the time and place therein  
10 named and thereafter reduced to typewriting under my  
11 direction and supervision; that the witness was given an  
12 opportunity to read and correct said deposition and to  
13 subscribe the same. Should the signature of the witness  
14 not be affixed to the deposition, the witness did not  
15 avail himself of the opportunity to sign or the signature  
16 has been waived.

17 I further certify that I am not of counsel for  
18 either or any of the parties to the said deposition, nor  
19 in any way interested in the event of this action and  
20 that I am not related to any of the parties thereto.

21 WITNESS MY HAND this 17th day of August, 2018.

22  
23 -----  
24 SHELLI G. ENG, CSR NO. 11397  
25 CERTIFIED SHORTHAND REPORTER

EUGENE JONES